



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: July 8, 2010
ITEM: 2
TIME: 10:05 AM

TO: Placer County Planning Commission
FROM: Development Review Committee
SUBJECT: **CONDITIONAL USE PERMIT (PCPA20080157)**
MINOR USE PERMIT (PMPC20100058)
FINAL ENVIRONMENTAL IMPACT REPORT (PEIR20080235)
BOHEMIA RETAIL PROJECT

COMMUNITY PLAN: Auburn/Bowman Community Plan

GENERAL/COMMUNITY PLAN DESIGNATION: Commercial and Industrial

ZONING: CPD-DC-AO (Commercial Planned Development, combining Design Scenic Corridor, combining Aircraft Overflight) and INP-DC (Industrial Park, combining Design Scenic Corridor).

ASSESSOR'S PARCEL NUMBERS: 052-102-012, -013, -017, -053 and -056

STAFF PLANNER: Gerry Haas – Associate Planner

LOCATION: The site is located on the east side of State Route 49, just north and east of the intersection of State Route 49 and Luther Road, in the North Auburn area.

APPLICANT: Bohemia Properties, LLC

PROPOSAL: The applicant is requesting approval of a Conditional Use Permit to allow for the construction and operation of a 155,000 square-foot retail commercial building and an accessory nine-pump fueling station with kiosk. The applicant is also requesting approval of a Minor Use Permit to allow for the construction of an off-site freestanding sign to direct traffic from State Route 49 to the project site.

CEQA COMPLIANCE: An Environmental Impact Report has been prepared for this project consistent with the requirements of the California Environmental Quality Act. The Draft EIR was released for a 45-day public comment period that started on January 14, 2010 and ended on March 1, 2010. Copies of the Draft EIR were made available for public review at

the Planning Department, the Auburn Library and on the County's website. The Planning Commission conducted a public hearing to receive comments on the Bohemia Retail Project Draft EIR on February 25, 2010.

A Final EIR was completed and distributed for a ten-day review period from June 16, 2010 through June 25, 2010. The Planning Commission will be required to certify the Final EIR (which includes an Erratum), and adopt the Findings of Fact and Statement of Overriding Considerations (Attachment G) for the approval of the Conditional Use Permit.

The Minor Use Permit for the off-site sign is categorically exempt from the provisions of CEQA per Section 18.36.050 (Class 3 – New Construction or Conversion of Small Structures) of the Placer County Environmental Review Ordinance.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Community Development Resource Agency staff, the Department of Environmental Health, the Air Pollution Control District, the City of Auburn, and the Placer County Transportation Planning Agency were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report. Public Comments received on this project are included with this staff report (Attachment H). Staff has reviewed all comments included as Attachment H and has determined that none of the comments raise issues related to environmental impacts that have not been addressed in the EIR.

The proposed project was presented to the North Auburn Municipal Advisory Council on June 29, 2010 as an Action Item. The MAC took action (4-1, two absent) to recommend that the Planning Commission approve the project as proposed (Attachment I).

SITE CHARACTERISTICS:

The project site is presently undeveloped and is the former site of the Bohemia Lumber Company. All buildings and equipment previously associated with the lumber company operations have been removed; however, evidence of the prior use still exists on-site, including concrete slab foundations, retaining walls, paved and gravel surfaces and bridges across the Wise and Fiddler Green canals. The natural topography of the project site slopes downhill from the east to the southwest (toward State Route 49). Past clearing, grading, and leveling of the site has resulted in a series of relatively level terraces separated by the two on-site canals. Vegetation on the project site includes volunteer grasses and brush, as well as berry bushes, brambles, and native oaks, willows and pines.

EXISTING LAND USE AND ZONING:

	LAND USE	ZONING
SITE	Vacant/Undeveloped	CPD-Dc, INP-Dc (Commercial Planned Development, combining Design Scenic Corridor and Industrial Park, combining Design Scenic Corridor)
NORTH	Single-Family Residential	RS-AG (Residential Single-Family, combining Agriculture)

SOUTH	Industrial	INP-Dc (Industrial Park, combining Design Scenic Corridor)
EAST	Single-Family Residential	RS-AG (Residential Single-Family, combining Agriculture)
WEST	Commercial/Industrial	CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor)

The project site is bound on the north by Union Pacific Railroad tracks, the Fiddler Green Canal (PCWA), and single-family residences. The site is bound on the east by single-family residences, on the south by a PG&E corporation yard, and on the west by the Wise Canal with the California Hardwood site and The Plaza commercial center beyond.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit to construct a 155,000 square-foot retail building, which would occupy the majority of the eastern portion of the project site (Site Plan, Attachment B) and a nine-pump fueling station with a detached service kiosk is proposed in the southwest portion of the site. These facilities would be surrounded by parking, circulation and landscaped areas. The 780-space parking lot would be designed to direct stormwater runoff into an underground detention facility at the northwestern tip of the site. A combination of retaining walls, soundwalls and fences for security and screening would be constructed along at least four of the project boundaries. Underground utilities are proposed to provide services to the project.

Access to the site would be provided by a private access easement that connects the western border of the site to State Route 49 through Hulbert Way (a recently constructed signalized intersection). A new bridge crossing the Wise Canal would replace the existing bridge, which is considered undersized as a primary access for this level of commercial activity. An emergency/pedestrian access is proposed at Canal Street, approximately 120-feet south of the Erin Drive intersection. No vehicular access, other than for emergency vehicles, is proposed for Canal Street.

Because the project site has no frontage on State Route 49, which is proposed as the only access location for the project, the applicant is also requesting approval of a Minor Use Permit to allow for the construction of an off-site sign, which would be located on APN 052-102-056, adjacent to State Route 49. The freestanding monument sign would direct traffic eastward onto Hulbert Way and up to the project site.

The subject parcel is located within Compatibility Zone D of the Auburn Municipal Airport, as depicted in the Placer County Airport Land Use Compatibility Plan (PCALUCP), which requires that the project be reviewed by the Placer County Airport Land Use Commission for safety and compatibility issues. The proposed project has been reviewed by the Placer County Airport Land Use Commission (ALUC), and the ALUC has found the project to be compatible with the PCALUCP.

No tenant for this project has been determined at this time, but would be explored pending project approval. The proposed project has the potential for a range of retail uses and the tenant (or tenants) could include a discount club store, a discount superstore, a home improvement center or a general retailer. The project could potentially allow for a portion of

the site to be used as an outdoor garden center, lumberyard or home improvement outdoor storage area.

BACKGROUND:

The project site was initially developed during World War II, as the Cal-Ida Lumber Mill, which produced crates for fruits and vegetables shipped through the Central Valley. Cal-Ida was sold to the DeGeorgio Corporation in 1969 and later sold to the Bohemia Lumber company in 1978. The western portion of the Bohemia Lumber Mill included a planer building, drying kilns, boiler, dry chain building, rail spur and lumber storage. Lumber mill operations ceased in 1983, and all structures were demolished by 1984. The site has remained vacant since 1984, when the current owner purchased the properties.

The industrial uses on the site were in operation in 1963, when the County's first zoning overlay was developed. The initial zoning assigned to the site was MP (Industrial Park), which allowed for both commercial and industrial uses.

In 1989, an EIR was prepared for the Bohemia Project (also known as Hilltop), which consisted of a total of a 48,000 square-foot home improvement center, 54,500 square-feet of additional retail space, an office/warehouse component and a 150-unit apartment complex on a 28-acre site that also included this project site and the existing 10-acre Plaza shopping center. The Planning Commission approved the 1989 project, but the entitlement was not exercised and the project approval expired two years later.

In 1991, the residential component of the 1989 project was changed to include 49 detached single-family residences in place of the apartment complex and the commercial component was modified to allow a 75,000 square-foot Mervyn's (or similar tenant) and an additional 31,000 square-feet of retail space. A Supplemental EIR (SEIR) was prepared to evaluate issues which were not addressed in the original EIR and to update existing information. In 1993, the Planning Commission certified the SEIR and approved the proposal comprising a total of 101,000 square-feet of retail space on the 10-acre site adjacent to State Route 49. As with the 1989 proposal, the entitlement was not exercised and the project approval expired.

In 1992, a Wal-Mart store was proposed on the 18-acre site, replacing the office, warehouse and residential components of the previously approved project. The Planning Commission adopted the SEIR that was prepared for the project and approved the Wal-Mart project in 1993. Neighboring groups appealed this decision to the Board of Supervisors, asserting that the SEIR was inadequate. In 1993, the Board of Supervisors upheld the neighbor's appeal and denied the project.

The Auburn-Bowman Community Plan was adopted in 1994. Specific to this project site, the land use designation was changed from industrial to commercial, with a corresponding change in the underlying zoning from MP (Industrial Park) to CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor). During the discussions of the Community Development Element for the Plan, the Board of Supervisors provided an opinion that large-scale commercial development would be appropriate for the site.

In July 1995, the applicant submitted a revised Wal-Mart project that: eliminated the previously proposed auto center; modified the Canal Street access to allow for emergency/pedestrian uses only; increased site landscaping; and reduced the maximum height of the free-standing parking lot lights from 42 to 20 feet. The Planning Commission approved the project. Neighboring groups appealed the approval to the Board of Supervisors. The Board upheld the Planning Commission's approval. In 1996, following a civil suit challenging the adequacy of the SEIR, the applicant withdrew plans for construction.

On May 24, 2007, the Planning Commission considered an application from Mr. Conkey to amend the Community Plan and rezone the site from CPD-Dc to RS (Residential Single-Family) to allow for the development of a 114-unit residential subdivision. The Commission took action to recommend approval of the EIR and the Community Plan/rezone modifications to the Board of Supervisors. The residential project was never heard by the Board of Supervisors because, as stated by the applicant, the housing market crash of 2007 reduced residential property values to the point that the project would not have been economically feasible. The application was withdrawn by the applicant.

On March 25, 2008, the applicant submitted an Initial Project Application for the Bohemia Retail Project for a 155,000 square-foot retail building with an accessory fueling station. The project originally proposed a primary access to the site at Hulbert Way and State Route 49 and a secondary access at Canal Street. The Initial Study was completed on April 24, 2008, concluding that the project would result in potentially significant adverse environmental impacts and that an Environmental Impact Report (EIR) would be required. The County contracted with a consultant on September 16, 2008 to prepare the EIR for the project and the State Clearinghouse posted the Notice of Preparation for the EIR in December 2008. The Draft EIR (DEIR) was completed on January 19, 2010 and the Planning Commission held a public hearing to take comments on the document on February 25, 2010.

Following that hearing, and based on internal discussion of the project, staff directed the consultant to revise the Alternatives section of the DEIR in order to expand the discussion of the No Canal Street Access Alternative to provide additional environmental analysis that would allow for the adoption of that alternative in lieu of the proposed project. The new No Canal Street Access Alternative section in the Final EIR (FEIR) contains a more comprehensive evaluation of the project impacts, and concludes that restricting all but emergency, bicycle and pedestrian access on Canal Street would result in no new impacts and, therefore, no new mitigation measures.

On May 5, 2010, the applicant submitted a letter (Attachment C) proposing to change the project description to allow only an emergency/pedestrian access at Canal Street. All other elements of the project remain unchanged.

The FEIR was published on June 16, 2010 and the public review period ran from that date until June 26, 2010. However, during the public review period, it was noticed that nine comments received on the DEIR had been inadvertently omitted from the FEIR. An Erratum was prepared that included responses to each of the comments. The Erratum was published and made available for public review from June 25, 2010 until July 6, 2010.

DISCUSSION OF ISSUES:

The previous land use applications on this site generated a great deal of discussion and controversy within the community. Mindful of the history, and because this project proposes a similar type of development to the previously considered large-scale retail building, the EIR addressed all previously identified issues of discussion and also considers new impacts relative to current State and local laws that have been adopted since the original Wal-Mart proposal was considered.

Environmental Analysis

Consistent with the requirements of the California Environmental Quality Act, an Environmental Impact Report (EIR) was prepared for the proposed project. The EIR concludes that, prior to the implementation of mitigation measures, the project could result in significant or potentially significant impacts in the following areas:

- Noise
- Visual Resources
- Land Use
- Biological Resources
- Public Services and Utilities
- Transportation and Circulation
- Air Quality
- Hazards and Hazardous Materials
- Geology and Soils
- Hydrology and Water Quality
- Cultural Resources
- Socio-economics
- Mineral Resources

The EIR concluded that the implementation of the mitigation measures described in the EIR would reduce most of these identified impacts to less than significant levels. The EIR concludes that after the implementation of mitigation, some impacts would still remain significant and unavoidable in the following areas:

Project-Level Air Quality Impacts:

- The project construction would result in a short-term significant and unavoidable impact related to a temporary increase in NO_x emissions.
- The project would result in cumulative impacts associated with regional air quality and the production of greenhouse gasses.

The discussion of Transportation and Circulation, as presented in Chapter 8 (project-level) of the project EIR, identified the following as significant and unavoidable impacts:

Project-Level Traffic Impacts:

- The proposed project would result in a significant and unavoidable impact related to lane queuing under the Short Term Plus Project Conditions scenario for northbound

left turns at the intersection of State Route 49/Dry Creek Road, as identified in Impact Statement 8-6.

The California Environmental Quality Act (CEQA) recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. A Statement of Overriding Consideration (Attachment G) has been prepared for this project and must be adopted as part of the project approval.

Noise

The project site is located in an urban setting near State Route 49 and the primary existing ambient noise sources in the project vicinity include vehicular traffic on State Route 49, Union Pacific Railroad (UPRR) train operations north of the project site, activities at the Pacific Gas & Electric (PG&E) construction yard to the south, and the operations of the California Hardwoods business and The Plaza shopping center to the west.

The Noise chapter of the DEIR is based on an environmental noise assessment performed by Bollard Acoustical Consultants, Inc. The analysis describes the existing noise environment in the project vicinity and identifies potential impacts and mitigation measures related to the construction and operation of the proposed project.

The construction noise related to site preparation and development activities could potentially impact noise sensitive land uses in the immediate vicinity of the project. These impacts are considered short-term as they occur only during periods of construction and would be mitigated by limiting construction activities to specific hours and days and by ensuring that construction equipment is properly maintained and equipped with factory installed muffling devices.

The noise analysis predicted that the noise generated by loading dock activities would exceed the County's noise standards, as measured from the project's east property line on Canal Street, and recommended the installation of a noise barrier along this project frontage to reduce the noise levels to at or below County standards. Mitigation Measure 10-3(a) requires the construction of a six to eight-foot soundwall along Canal Street, and the installation of this soundwall would reduce identified impacts to less than significant levels. The sound wall would be constructed along the north property line, to mitigate noise impact to adjacent residences along Dyer Court.

Visual Resources

The site is visible from adjacent residential uses, from Canal Street and partially from State Route 49. Although the site has been previously disturbed and retains evidence of the prior use of the site as a lumber mill, portions of the site, specifically along the canals and the south property lines, contain small groves of native oak trees and other vegetation. The proposed development of the site and the construction of a large commercial building would alter this landscape in a manner consistent with the existing commercial development in the area. While the character of the site would be altered through construction of the project as proposed, the project would include construction of a masonry block wall along Canal Street and dense trees and landscaping would be planted along all property lines, as well as throughout the site. The landscaping would increase the aesthetic quality of the project, and

would reduce the impacts the project would have on the conversion of the site to an urban setting.

In addition to standard development requirements set forth in the Auburn/Bowman Community Plan and the Placer County Zoning Ordinance, the project site is located within a Design Scenic Corridor and is therefore subject to review and approval by the Design/Site Review Committee. A Design/Site Review Agreement (DSA) must be approved prior to submittal of Improvement Plans and the DSA will ensure project consistency with the Placer County Design Guidelines. Within the Design Guidelines, there is a section specific to the development of big-box retail in the North Auburn area, which recommends that that big-box retail be designed and constructed in such a way that the monotony of a large big-box structure be broken up. This aesthetic enhancement is achieved through the incorporation of varied building materials, roof heights and types and vertical and horizontal building articulation. This project would be consistent with the design criteria set forth in this and other applicable sections of the Design Guidelines.

The retail building would range between 30 and 35 feet in height, with the entrance feature at the southwest corner extending to just over 39 feet. The maximum permitted height for structures in the CPD zone district is 50 feet. Nonetheless, staff has received comments expressing concern about the visual impact of such a large structure on the residences on Dyer Court to the north and Canal Street to the east that adjoin to the project site.

As shown on the site plan, the finished floor elevation of the retail building would be 1,451 feet. This is approximately 16 feet lower than the residence furthest west on Dyer Court and approximately 29 feet lower than the residence furthest east. The height of the building would be about 19 to 24 feet above the backyard elevations of these lots, as compared to the actual 30 to 35 foot height of the building. In addition to the difference in elevation, the building would be constructed 125 feet from the north property line, a separation that would reduce the visual mass of the building from the residences on Dyer Court.

The project proposes replacing the existing six-foot wood fence and constructing a new soundwall along the south property line of the affected residences along Dyer Court, and planting extensive landscaping, including evergreen trees and shrubs, along the hillside that separates the project from the back yards of the homes on Dyer Court. Within a short time, this "green" screen would gradually reduce the view of the top of the structure from residences along Dyer Court.

The view of the proposed structure from Canal Street was extensively discussed in the Visual Resources section (Chapter 7) of the DEIR. As noted in this section, a six- to eight-foot-high masonry block soundwall would be required along the entire length of Canal Street, with the exception of the emergency access location south of Erin Drive. Rows of trees, as well as vines and shrubs would be planted along both sides of the sound wall. Within five years, residents and travelers along Canal Street would have a view of the landscaping in front of the masonry-block wall. Above the wall, the upper portion of the building would be partially visible through the limited areas where proposed landscaping does not form a continuous screen.

Light and Glare

Consistent with the Placer County Design Guidelines, all exterior lighting on the proposed structures will be directed downward and would consist of a full cut-off design, meaning the bottom of the light fixtures are flat, the bulbs are recessed, focusing the light downward and not outward or upward. This form of lighting protects nearby residences by eliminating any glare or light spillage across property lines. In addition, the maximum height for building lighting would not exceed 18 feet.

The parking lot lights would also be full cut-off design, and would not exceed 14-feet in height along the north and east property lines, adjacent to residential development, and 18-feet in height within the parking lot and along the south and west property lines, adjacent to existing commercial and industrial uses.

A photometric plan has been prepared for the project which depicts the lighting intensities across the project site. The photometric plan concludes that virtually no spillover light from the project would impact adjacent sensitive receptors (i.e., residences) to the north and east. Only a few locations show light intensity values above 0.0 foot-candle (fc) [A foot-candle is approximated as the light a person would see within a six-inch radius around a candle lit in a dark room or area]. For instance, at the Canal Street emergency access driveway, the light intensity value would be 0.2 fc at the property line.

Land Use/Community Plan Consistency

The project site is designated Commercial in the Auburn Bowman Community Plan, with the exception of a small triangle of land in the southeast corner of the project site that is designated Industrial. Correspondingly, the majority of the project site is zoned CPD-DC-AO (Commercial Planned Development, combining Design Scenic Corridor, combining Aircraft Overflight) with the triangle in the southeast corner zoned INP-DC (Industrial Park, combining Design Scenic Corridor).

The proposed commercial use of the site is consistent with the site zoning and with the Placer County General Plan and the Auburn/Bowman Community Plan, which designate the project site for commercial development. The Auburn/Bowman Community Plan includes various policies that are intended to reduce a project's land use impacts, both to the project site and to surrounding uses. The project would comply with the Auburn/Bowman Community Plan policies regarding the physical aspects of land development.

Presently, the project site is fenced, and public access across the site is restricted. As proposed, the project would provide pedestrian and bicycle access through the site, connecting the Country Club Estates residential subdivision to The Plaza shopping center and ultimately to the commercial corridor of State Route 49. This connectivity is important in providing safe and easy access for pedestrians and bicyclists. Additionally, the project would provide a minimum of 500 square feet of outdoor public use area. This public use area would be a landscaped portion of the site that would be improved with picnic tables and benches.

Overall, the project is designed to minimize the typical impacts associated with retail development, while providing amenities for the public benefit. Staff has determined that the

project, as proposed, would be compatible with surrounding development and would not be contrary to orderly development.

Biological Resources

Oak Woodland

The development of the Bohemia Retail project would result in the loss of five large oak trees and the conversion of approximately 2.07 acres of on-site oak woodland in the northeastern portion of the project site, primarily along the current alignment of the Fiddler Green Canal. Oak woodlands, as well as individual large trees within those woodlands, are protected by a variety of State and local ordinances and policies, including the CEQA Oak Woodlands Conservation Law (SB1334) and the Placer County Tree Preservation Ordinance.

Mitigation for impacts to the oak woodlands on the project site consist of the payment of fees for off-site oak woodland preservation on an acre-for-acre basis, and a payment of fees for the removal of larger (over 24-inches diameter at breast height) oaks on the site. The DEIR includes Mitigation Measure 5-5, requiring the applicant to submit to the Placer County Tree Preservation Fund payment in the amount of \$65,180 for impacts to oak woodlands and to large oak trees within those woodlands. This payment must be received prior to any site disturbance.

Seasonal Wetland

The construction of the project would result in the loss of a 0.05-acre jurisdictional seasonal wetland. Consistent with the Auburn/Bowman Community Plan goal of “no net loss” of wetland areas (Auburn/Bowman Community Plan – Environmental Resources Management Element – Goal 3, Policy 4), the applicant will coordinate with the United States Army Corps of Engineers for an in-lieu fee program to mitigate for impacts to the seasonal wetland.

Wildlife Species

Although the project site provides suitable habitat for some special-status plant or animal species, none were observed on the project site during field review, the Draft EIR includes Mitigation Measures 5-2 and 5-3(a) and (b) to ensure that project construction activities do not result in adverse impacts to nesting raptors and other migratory birds and burrowing owl, respectively, should they be found to occur on-site prior to construction. Similarly, pre-construction surveys are required to insure that no other plant or animal species of concern exist on the site. Should any species of concern be found on the project site during pre-construction surveys, several mitigation measures require that the California Department of Fish and Game (CDFG) shall be consulted and the applicant will coordinate with the CDFG for regulatory guidance and further action.

Public Services and Utilities

The Public Services and Utilities chapter of the DEIR describes the public service systems and facilities within the project area and the associated potential impacts resulting from the proposed project. The following public services are considered in the analysis: water; wastewater; solid waste; gas and electricity/telephone/cable; fire protection and emergency medical services; and law enforcement.

Mitigation measures include off-site improvements to sewer and water transmission lines in the vicinity. Off-site improvements would serve to upgrade the sewer collection system currently serving the Country Club Estates residential subdivision and efficiently transfer the flows to a connector line located along New Airport Road. Additionally, water flow to the project site would be increased through the construction of approximately 1,650 feet of new off-site water lines. This improvement would ensure that the project provides adequate water for daily use in addition to meeting minimum fire protection flow rates. Mitigation Measure 13-1 requires a water availability letter from the Placer County Water Agency (PCWA) prior to approval of Improvement Plans. If approved, the applicant shall fund and construct all necessary water system improvements needed for the project and would comply with PCWA requirements and standards.

Transportation and Circulation

Development of the Bohemia Retail project would generate new vehicle trips, which would affect traffic operations at intersections within the immediate vicinity of the proposed project, both during construction and after occupancy of the commercial building. A detailed traffic study was conducted as part of the environmental review to analyze roadway and intersection operating conditions associated with development of the proposed project under existing, short term and cumulative scenarios.

During construction of the Bohemia Retail project, new vehicle trips would include construction workers, delivery of construction materials and movement of construction equipment. Once fully built out, the number of vehicle trips that are expected to be generated by the proposed development is estimated at:

- 6,024 daily trips for a Discount Club (589 p.m. peak hour trips)
- 7,334 daily trips for a Discount Superstore (627 p.m. peak hour trips)
- 4,482 daily trips for the Mixed-Use alternative (420 p.m. peak hour trips)

Under existing plus project conditions, combining project-generated trips with current traffic, the intersection of Bell Road and New Airport Road was found to operate at an unacceptable Level of Service (LOS). To mitigate project impacts to this intersection, the project would be required to construct intersection improvements to provide for dedicated northbound, right- and left-turn lanes in addition to modifying the signal.

Many of the public comments received during circulation of the Draft EIR focused on traffic impacts at the intersection of Luther Road and Canal Street. The traffic study prepared for the project did not identify an impact at this intersection with construction of the project. Impact was, however, identified in the Short Term and Cumulative scenarios. The proposed project would be required to mitigate impacts associated with Short Term and Cumulative Conditions at this intersection through payment of Capital Improvement Program (CIP) fees. This would ultimately fund the future construction of this signal when determined to be warranted. The need for this future improvement would be required with or without the Canal Street access to the project site.

Under Short Term and Cumulative Conditions, the following intersections and segments were identified as operating at an unacceptable LOS. The project would be required to pay fees towards the CIP if the mitigation improvement is identified in the CIP. For intersections

and/or segments that are not within the CIP, a fair-share fee towards improvements would be required.

- Luther Road/Canal Street
- SR 49 between Bell Road and Willow Creek Drive
- SR 49 between Marguerite Mine Road and Edgewood
- SR 49/Dry Creek Road
- SR 49/Nevada Street/Marguerite Mine Road
- Bell Road/New Airport Drive
- Undercrossing Road/I-80 EB Ramps
- Luther Road/Canal Street
- Luther Road/Bowman Road
- SR 49/Bell Road
- SR 49/Willow Creek Drive

The Environmental Impact Report prepared in conjunction with the development of the current Auburn Bowman Community Plan in 1994 identified increased traffic congestion as a cumulatively significant and unmitigable impact. The Board of Supervisors recognized this finding with the certification of the EIR and adoption of the Community Plan in 1994. The proposed project has been found to be consistent with the land use assumptions identified at the time of development of this plan and therefore, traffic associated with such a development has been foreseen within the Community Plan area.

Air Quality

The DEIR concludes that construction of the project would result in a short-term increase in regional air emissions, including fugitive dust and particulate matter emissions that can have an impact on local air quality. Mitigation measures were identified in order to reduce air quality impacts; however, the implementation of any feasible mitigation would not reduce the project's short-term emissions below the Placer County Air Pollution Control District (PCAPCD) standards.

The project, as with almost any development on this project site, would result in significant and unavoidable cumulative impacts related to regional Air Quality. Placer County is classified as a severe non-attainment area for the federal ozone standards and in order to improve air quality and attain the health-based standards, measures to reduce emissions should be identified for projects located in a non-attainment area. Project operational emissions (ROG and NOx) would exceed the PCAPCD cumulative thresholds of significance. Mitigation measures, including participation in the PCAPCD off-site mitigation fee program, were identified in order to reduce air quality impacts; however, the implementation of any feasible mitigation would not reduce the project's long-term emissions below the PCAPCD cumulative-level threshold.

Additionally, the DEIR identified significant and unavoidable cumulative impacts related to the production of greenhouse gases. Mitigation measures were identified and include shaded landscaping designs, incorporation of solar energy, and installation of energy efficient lighting and appliances. The PCACPD has reviewed the mitigation measures and has determined that the measures comply with the Office of the California Attorney General Methods to Offset or Reduce Global Warming Impacts and the Office of Planning &

Research Office CEQA Guidelines which requires the analysis and mitigation of the effects of greenhouse gas emissions in draft CEQA documents (effective March 18, 2010).

The project also includes the construction of an 18-pump fueling station with underground storage tanks for the storage and dispensing of gasoline fuel. In compliance with Placer County Air Pollution Control District's (PCAPCD) Rule 501: General Permit Requirements, the applicant is required to obtain an Authority to Construct Permit prior to the construction of the station. A screening health risk assessment was prepared as part of the EIR for the Bohemia Retail project to analyze potential cancer risk impacts associated with the operation of the proposed fueling station. Based on a throughput of 9 million gallons, the DEIR concludes that the project would not result in an incremental individual cancer risk exceeding the PCAPCD's risk threshold. A detailed Health Risk Assessment would be required as part of the Authority to Construct Permit to ensure the potential risk resulting from the proposed annual throughput for the fueling station would not exceed the risk threshold of 10 in a million.

Hazardous Materials and Hazards

The Hazardous Materials and Hazards chapter describes existing and potentially occurring hazards and hazardous materials within the project area and the potential impacts posed by these hazards to the environment, as well as to workers, visitors, and residents within and adjacent to the project area.

Past Use of Site

Until 1984, a lumber mill operated on the site. Phase I and II Site Assessments, conducted in 2004 and 2006, respectively found elevated concentrations of cadmium and lead on the site and provided a plan to remediate this contamination. Contaminated soils were removed from the site and, in late 2007, the Department of Toxic Substances Control issues a No Further Action determination, finding that the site no longer represents a significant health hazard.

Fueling Station

The proposed project would include an on-site fueling station in the southwest corner of the project site. The station would also include a canopy-covered kiosk that would sell automobile-related supplies (oils, batteries, antifreeze). Fuel would be stored in underground storage tanks (USTs), which would dispense fuels via nine multipurpose dispensers (18 fuel pumps). The underground storage of hazardous materials is subject to the provisions of the California Health and Safety Code and Title 23 of the California Code of Regulations. The USTs would be installed and operated under permit and inspection with Placer County Environmental Health Services and in compliance with California Health and Safety Code and Title 23 of the California Code of Regulations.

Geology and Soils

The Soils, Geology, and Seismicity chapter concluded that risks associated with structural damage from expansive soils is the only potentially significant impact to geology and soils as a result of the project. Implementation of the mitigation measures included in the DEIR would reduce this impact to a less than significant level.

Hydrology and Water Quality

The Hydrology and Water Quality chapter of the DEIR identified the following impacts as potentially significant: project impacts to the existing drainage pattern and surface runoff, construction-related impacts to surface water quality, operational water quality degradation associated with urban runoff from the project site, and impacts to groundwater quality. However, implementation of the mitigation measures included in the DEIR would reduce the impacts to a less than significant level.

Cultural Resources

The Cultural Resources chapter of the DEIR concluded that impacts related to the disturbance or destruction of historical resources on the project site would be less than significant. Disturbance or destruction of previously unknown archaeological and paleontological resources on the project site would be mitigated as proposed in the DEIR and consistent with County policy related to discovery of previously unknown archaeological resources.

Socio-Economics

The Socio-Economics chapter describes whether the proposed project would result in significant adverse physical deterioration of properties or structures, or urban decay, due to the project's potential economic impacts to existing businesses. As stated in the urban decay and fiscal impact analysis, the proposed project, whether developed as a club store, a discount superstore or a home improvement center, is not likely to cause blight or urban decay for the following reasons:

- The new retail demand would exceed the retail sales volumes in 2020 (or within ten years from the project becoming operational) for all scenarios in most all retail categories. The dates in the report are "years forward" - the number of years that pass once the business opens. Some existing retailers would be unable to compete with the proposed project, but the projected unmet retail demand in the area means that there are opportunities for new tenants to compete effectively against the new store in other retail categories.
- The Auburn area has historically seen periods of declines in sales, which is a particular type of spending shift, and this has not led to urban decay in the area.
- The new store would create shopping opportunities which would attract trade area residents outside of the immediate vicinity who are currently traveling to places like Rocklin or Roseville to shop at club and discount stores. This may have a positive spillover effect on other area retailers as a result of the added consumer traffic.

The Socio-Economics chapter concluded that impacts related to the proposed project's contribution to physical deterioration and urban decay to Placer County's businesses would be less than significant.

Mineral Resources

The Mineral Resources chapter of the DEIR concluded that impacts related to potential loss of availability of a known State, regional, and/or locally valuable mineral resource would be less than significant.

Alternatives

The DEIR considered the following three alternatives considered for the proposed project:

- No Project Alternative;
- No Canal Street Access Alternative; and
- Mixed Use Alternative.

The following summary provides brief descriptions of the three alternatives to the proposed project that are evaluated in this Draft EIR. For a more thorough discussion of project alternatives, please refer to Chapter 17, Alternatives.

No Project Alternative

The No Project Alternative is defined in this chapter as the continuation of the existing condition of the project site, which is currently vacant. The No Project – No Build Alternative would allow the project site to continue in the site's existing state, which is vacant, with some paved areas, as well as oak trees and non-native grasslands. It should be noted that the No Project Alternative would not meet any of the proposed project objectives.

No Canal Street Access Alternative

The No Canal Street Access Alternative includes the same general development as the proposed project, with the exception of public access from Canal Street. The access would be constructed, but utilized only for emergency vehicle purposes. The No Canal Street Access Alternative would increase traffic congestion at the Hulbert Way access, resulting in increased emissions and a greater impact to air quality.

Mixed Use Alternative

The Mixed-Use Alternative includes an approximate 35 percent reduction in square footage as compared to the proposed project. Furthermore, the alternative would include two separate retail buildings - one 64,300-square-foot building and one 35,700-square-foot building, rather than one 155,000-square-foot building as proposed for the project. The Mixed-Use Alternative would eliminate the proposed fueling station and relocate the proposed parking areas to the northwest portion of the site. The Mixed Use Alternative would have fewer impacts to visual resources, public services and utilities, and hazardous materials and hazards as compared to the proposed project.

Environmentally Superior Alternative

The Mixed Use Alternative is the environmentally superior alternative to the proposed project because this alternative would result in a reduction in some impacts while achieving the majority of the proposed project's objectives.

No Canal Street Access Alternative

As stated above, the overwhelming public sentiment against the full secondary access on Canal Street prompted the applicant to modify the project description to eliminate vehicular access at Canal Street. Following completion of the FEIR, it is clear that the No Canal Street Access Alternative would meet all of the project objectives but would result in no net traffic increase for Canal Street, thus significantly reducing potential traffic impacts to neighboring residents.

In addition, the elimination of project traffic on Canal Street and the restriction of the project access on Canal Street to emergency vehicles significantly reduces perceived compatibility issues related to commercial development adjacent to a residential area. Staff supports the No Canal Street Alternative because the potential air quality impacts associated with this alternative would be offset by the reduction in traffic impacts to the adjacent neighborhood.

Potential End-User

During the comment period for the DEIR, staff received comments regarding the need to clarify the distinction between potential end-users and the need to address those distinctions in order to ensure that the final end-user is the best fit for the community. Based upon this public concern, staff has prepared the following matrix which identifies the level of impacts that would result from each of the potential end-users.

It is important to note that, from a land use perspective the County does not regulate or dictate the end-users that may locate on this property. As previously stated in this report, this analysis has focused on the development of this site with a retail commercial land use. While impacts may vary with the different commercial retail uses, it is important to note that each of the analyzed retail commercial uses is a permitted use on the project site, subject to approval of a Conditional Use Permit.

	Discount Club Store (Option 1)	Discount Super Store (Option 2)	Home Improvement Store
Net New Daily Trips	6,024	7,334	4,482
Traffic Delay at Primary Access Intersection ¹	5.5 sec (am) / 22.9 sec (pm) No Canal Access Alt: 5.7 sec (am) / 24 sec (pm)	7.1 sec (am) / 24.5 sec (pm) No Canal Access Alt: 7.3 (am) / 25.7 (pm)	N/A
Project-level Intersection Impacts	<u>Existing Plus Project</u> • Bell Road/New Airport Road <u>Short Term Plus Project</u> • Luther Road/Canal Street	Same impacts under Option 1	N/A
Cumulative Intersection Impacts	• Bell Road/New Airport Road; • Undercrossing Road/I-80 EB Ramps; • Luther Road/Canal Street; and • Luther Road/Bowman Road.	Same four impacts under Option 1 plus an additional significant impact at: • SR 49/Bell Road	N/A
Net Tax Revenue	\$848,000 (\$453,000) ²	\$587,000 (\$324,000) ²	\$415,000 (\$238,000) ²

¹ It is important to note that neither Option 1 (Club Store) nor Option 2 (Super Store) would have significant impacts to the Primary Access. These delays are simply presented here for comparison purposes.

² () Parenthetical numbers represent worst-case assumption whereby 50% of new Project sales represent shifts in sales from existing outlets within the County rather than new retail demand.

The FEIR assumes the worst-case scenario for all potential impacts, and concludes that any significant and unavoidable impacts as a result of the project would exist regardless of which end-user occupies the site. Similarly, impacts that can be reduced to a less than significant level through proposed mitigation measures do not have the potential to be substantially lessened or increased based on the occupation of the site by a given end-user.

Minor Use Permit for Off-Site Sign

Because the project site is almost land-locked with no street frontage on State Route 49, the applicant proposes the construction of a monument sign at the northeast corner of State Route 49 and Hulbert Way (APN 052-102-056), to identify the proposed Bohemia Retail Project and direct motorists on State Route 49 to Hulbert Way and the project site. Off-site signs are only permitted in Placer County with approval of a Minor Use Permit.

The proposed sign is consistent with Section 17.54.190 (C) of the Zoning Ordinance, which allows for commercial complex signs to be constructed off-site provided that they do not exceed 50 square feet in size, and that a Minor Use Permit is obtained. The sign would not exceed eight feet in height (the height limit established in the Auburn/Bowman Community Plan and the Placer County Design Guidelines for North Auburn)

The Bohemia Retail project location includes several parcels which have no direct access to State Route 49 and the store itself would eventually be constructed a minimum of 750 feet from the highway. The applicants state that the location shown on the site plan is the optimal location for a sign to be viewed by motorists traveling up and down State Route 49, and would afford motorists the best opportunity to safely and effectively direct traffic to their site.

Because the project site only has street frontage on Canal Street, and because in response to concerns raised by adjacent residents, the property owner has elected to prohibit access from Canal Street, staff has concluded that it is appropriated to support the request for the off-site sign. By allowing for a monument sign along State Route 49, motorists will be directed away from Canal Street, thereby focusing the access into and out of the project site from State Route 49 (which is desired by the existing residents in the project area).

RECOMMENDATION

Staff recommends the Planning Commission take action to certify the Final Environmental Impact Report and approve the Conditional Use Permit for the Bohemia Retail Project, based on the Findings and subject to the Conditions of Approval included in this report. Additionally, staff recommends approval of the Minor Use Permit to allow for an off-site sign along State Route 49, based on the Findings and subject to the Conditions of Approval included in this report.

I. FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT (PCPA20080157):

A. Certify the Final Environmental Impact Report for the Bohemia Retail Project (SCH No. 2001042086) and adopt the Statement of Findings and the Statement of Overriding Considerations as attached as Attachment A, and approve the Mitigation Monitoring Plan as included in the Final Environmental Impact Report.

B. Adopt the following findings and approve Conditional Use Permit PCPA20080157, subject to and including Conditions of Approval Nos. 1-136, attached as Attachment D:

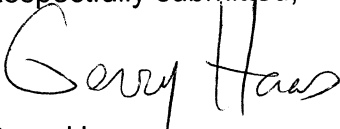
1. The Conditional Use Permit is consistent with the Placer County Zoning Ordinance (Section 17.20.010).
2. The proposed use is consistent with applicable policies and requirements of the Placer County general plan, and the Auburn/Bowman Community Plan, and the Placer County General Plan.
3. The establishment, maintenance or operation of the proposed use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; except that a proposed use may be approved contrary to this finding where the granting authority determines that extenuating circumstances justify approval and enable the making of specific overriding findings.
4. The commercial activities of the proposed project will be screened from the residences to the north and east by sound walls and vegetative screening, and will therefore be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
5. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project, either those existing or those to be improved with the project unless a specific design deficiency is acknowledged and approved in conjunction with the adoption of a community plan applicable to the area in question.

II. FINDINGS FOR APPROVAL OF MINOR USE PERMIT (PMPC20100058):

- A. Find the approval of the off-site sign is categorically exempt from the provisions of CEQA per Section 18.36.050 of the Placer County Code and CEQA Guidelines section 15303 (Class 3).
- B. Adopt the following findings and approve Minor Use Permit PMPA20100058, subject to and including Conditions of Approval Nos. 1-7, attached as Attachment E:
1. The proposed off-site sign is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan, the Auburn Bowman Community Plan and the Design Guidelines.

2. The proposed Minor Use Permit is consistent with the Placer County Zoning Ordinance (Section 17.20.010).
3. The proposed use will be consistent with the character of the immediate area, which is commercial retail, and will not be contrary to its orderly development.
4. The off-site sign as proposed will not be detrimental to the health, safety, and general welfare of people residing in the neighborhood, and will not be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the County. To the contrary, the provision of an off-site sign will facilitate vehicular access from State Route 49, thereby reducing impacts to existing residents in the vicinity.

Respectfully submitted,


Gerry Haas
Associate Planner

GH:KH

ATTACHMENTS:

Attachment A – Vicinity Map

Attachment B – Site Plan

Attachment C – Revised Project Description Letter

Attachment D – Conditions of Approval (PCPA20080157)

Attachment E – Conditions of Approval (PMPC20100058)

Attachment F – Erratum to Final EIR / Final EIR (provided under separate cover)

Attachment G – Findings of Fact and Statement of Overriding Considerations for the EIR

Attachment H – Comments and Correspondence

Attachment I - North Auburn MAC letter of recommendation dated June 30, 2010

cc: Applicant – Jim Conkey, Conkey Development, Inc.
Auburn Plaza, LLC – Owner of adjacent property for off-site sign
Sarah Gillmore – Engineering and Surveying Department
Stephanie Holloway – Department of Public Works
Janelle Heinzler – Special Districts
Vicki Ramsey – Environmental Health Services
Andy Fisher – Placer County Parks Division
Angel Rinker – Air Pollution Control District
Brad Albertazzi – Placer County Fire/CDF
Scott Finley – County Counsel's Office
Michael Johnson – CDRA Director
Paul Thompson – Deputy Planning Director
Michael Wells – Supervising Planner
Subject file



EDGEWOOD

NOT TO SCALE

VICINITY MAP

